

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Monday, December 21, 2011 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Sen. Gene Davis
Sen. Mark B. Madsen
Pres. Michael G. Waddoups
Rep. Neal B. Hendrickson
Speaker Rebecca D. Lockhart
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Absent:

Rep. Curtis Oda, House Chair
Sen. Benjamin M. McAdams

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 2:18 p.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the November 15, 2011 and December 5, 2011 meetings. The motion passed unanimously.

MOTION: Sen. Davis moved to recommend 2012 General Session draft legislation, "Reporting Abuse of a Vulnerable Adult"(2012FL-0461/004), which was reviewed in the December 5, 2011 meeting, as a committee bill. The motion passed unanimously.

2. R277-419-4 Student Membership

Staff distributed "R277-610. Released-Time Classes for Religious Instruction" and 2011 General Session S.B. 65, "Statewide Online Education Program."

Dr. David S. Doty, Superintendent, Canyons School District, briefed committee members on the impact 2011 General Session S.B. 65, "Statewide Online Education Program" is having on school districts. Dr. Doty supported the flexibility provided to students through the legislation, but said there appears to be some confusion over whether released-time should be considered full-time enrollment in terms of funding of districts. Dr. Doty asked that the Legislature work with the State Office of Education to clarify the statute.

Mr. Larry Shumway, State Superintendent of Public Instruction, responded to committee members' questions on how funding for districts is generated. He requested that the issue be placed on the committee's next agenda so that he can have time to prepare a solution to the concerns.

Committee discussion followed about how education should be funded.

Ms. Brenda Hales, Associate Superintendent of Public Education, responded to questions about student enrollment in online courses and the impact on funding.

Sen. Stephenson requested that the issue be placed on the committee's next agenda.

3. High School Graduation Requirements – Eligibility

Mr. Douglas Pike, citizen, briefed committee members on the unresolved issue he raised in the May 24 meeting, which was that a 7th or 8th grade student enrolled in a higher level course are not receiving credit towards high school graduation, but 9th grade students are.

Ms. Hales said there are many opportunities for gifted students to receive credit for higher level courses, and she offered her assistance in the case of his son's education.

Committee discussion followed about how the Student Education Occupation Plan counselors could provide better guidance and options, which are already in place for gifted students.

Ms. Hales stated that three rules relating to this matter are currently being reviewed by the State Board of Education, and that some rules may need to be amended to allow 7th and 8th grade students to receive high school graduation credit for courses taken.

Sen Stephenson requested that this item be placed on the committee's next agenda.

4. Report: Delay in Filing Administrative Rules Required by 2011 General Session S.B. 59, "School Grading System"

Ms. Hales said the rule required by 2011 General Session S.B. 59, "School Grading System," would be filed in January, 2012 as R277-489.

5. Presentation: "Utah Business Regulation Review"

Mr. Michael Mower, Deputy Chief of Staff, Operations, Governor's Office, reported on the success of a year long study and review of state regulations and how they may unfairly impact business in Utah. Mr. Mower noted the contributions of the Administrative Rules Review Committee, and said that many changes to regulations have been made in response to the review process.

Mr. Ken Hansen, Director, Division of Administrative Rules, stated that due to the study, 295 rule changes have been identified, organizational changes are underway in some agencies to improve productivity, and recommendations for legislation are being considered.

6. 2012 General Session Draft Legislation, "Reporting Abuse of a Vulnerable Adult"

There was no discussion on this item. A motion was made earlier in the committee meeting to recommend 2012 General Session draft legislation, "Reporting Abuse of a Vulnerable Adult" (2012FL-0461/004) as a committee bill.

7. Reports: Delay in Filing Administrative Rules Required by 2011 General Session Legislation

Mr. Richard Clark, Director, Division of Regulatory Services, Department of Agriculture and Food, stated that the rule preparation required by 2011 General Session H.B. 148, "Raw Honey Amendments," is in process and expected to be in place by February 2012.

The presentation by the Department of Health on the status of the rule required by 2011 General Session H.B. 128, "Health Reform Amendments," was delayed.

Mr. Kris Hamlet, Deputy Director, Department of Public Safety, discussed issues which have slowed the rulemaking process required by 2011 General Session H.B. 80, "Emergency Management," and stated that the department plans to have the rule ready for publication by February 2012.

Ms. Francine Gianni, Executive Director, Department of Commerce, reported that the proposed rule required by 2011 General Session S.B. 100, "Securities Fraud Reporting Program Act," has been filed and will be published in the January 1, 2012 Utah State Bulletin.

8. Committee Business

The next meeting was tentatively scheduled for Friday, January 13, 2012, at 9:00 a.m.

9. Adjourn

Chair Stephenson adjourned the meeting at 4:23 p.m.